

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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MAY 27 2010	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

United States of America,

Plaintiff,

vs.

DANETTE ANN JOSE

Defendant.

CR 05-01047-001-TUC-DCB(HCE)

MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION
UPON ADMISSION(S)

Upon Defendant's request to enter admission(s) of guilt to the allegation(s) that he/she violated the conditions of ☐ probation or ☒ supervised release this matter was referred to the Magistrate Judge by the District Court, with the written consent of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, in open court and on the record, the matter came on for hearing on Defendant's admission(s) to the allegation(s) in the Petition to Revoke before the Magistrate Judge.

In consideration of that hearing and the admission made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

(A) I FIND as follows:

- (1) that Defendant is competent to admit the violation(s);
- (2) that Defendant understands the nature of the allegation(s) against him/her;
- (3) that Defendant understands his/her right to an evidentiary hearing and has knowingly, intelligently and voluntarily waived his/her right to that hearing;
- (4) that Defendant understands the sentencing options the Court may impose as a result of his/her admission(s);
- (5) that Defendant has admitted the following allegation(s) A(1); and it is agreed that remaining violations, if applicable, in the petition will be dismissed at sentencing; and further,
- (6) that there is a factual basis for the Defendant's admission(s);
- (7) that the admission(s) by the Defendant has/have been knowingly, intelligently and voluntarily made and is/are not the result of force or threats or of promises apart from the plea agreement between the parties;

(8) **AGREEMENT:**

☐ There is no written agreement; OR

☒ Written agreement submitted and Defendant waives his/her right to appeal the judgment and disposition of the supervised release; OR

(9) **SENTENCE:**

☐ The parties agree that the defendant will be sentenced to: _____ months of incarceration; OR

☒ that the government will recommend a period of incarceration not to exceed the middle of the applicable guideline range under U.S.S.G § 7B1.4(a) (Revocation Table), and not below the minimum of that range, i.e. _____ months incarceration; OR

☐ other, specifically: _____

(10) **SUPERVISED RELEASE/ADDITIONAL CONDITIONS:**

☐ An additional term of _____ months supervised release;

☒ An additional term of supervised release to be determined by the court;

☐ NO additional term of supervised release

☐ In addition to previously imposed conditions, the following condition(s) shall be imposed: _____

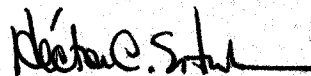
(11) **CONSECUTIVE/CONCURRENT:**

☒ There is no agreement regarding consecutive or concurrent sentences (or the issue is not applicable in this case); OR

☐ The government agrees that it will not take a position whether this sentence should be concurrent or consecutive to another sentence.

(B) I RECOMMEND that the District Court accept the Defendant's admission(s).

DATED: 5/27/2010.



UNITED STATES MAGISTRATE JUDGE